

LOUISIANA STATE BAR ASSOCIATION
HOUSE OF DELEGATES
9:30 A.M. ♦ FRIDAY, JUNE 12, 2009
SANDESTIN GOLF AND BEACH RESORT

MINUTES

The House of Delegates was convened at 11:10 a.m. on Friday, June 12, 2009, in the Baytowne Conference Center at the Sandestin Golf and Beach Resort in Destin, Florida.

I. Certification of Quorum by the Secretary

After concurring with Secretary Mark A. Cunningham, Ms. Foote announced that a quorum had been certified and declared the meeting to be in session. A copy of the attendance roster is attached as an addendum to these Minutes.

II. Recognition of Deceased Members of the House of Delegates.

The House observed a moment of silence in memory of Edwin L. Blewer, Jr. of the 1st Judicial District.

III. Reports of Standing Committees of the House

No oral reports were given; all reports that were in writing were submitted.

IV. Reports of Officers, Board of Governors, Standing Committees and Sections of the Louisiana State Bar Association

1. Elizabeth Erny Foote, President
Staff distributed Ms. Foote's written report.
2. Kim M. Boyle, President-Elect
Ms. Boyle waived her report.
3. Mark A. Cunningham, Secretary
Mr. Cunningham waived his report.
4. Jack K. Whitehead, Jr., Treasurer
Staff distributed Mr. Whitehead's written report.

V. Reports of Special Committees of the Louisiana State Bar Association

There were no reports either written or oral.

VI. Other Reports

No oral reports were given.

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VII. Old Business

There was no Old Business to be considered.

VIII. Approval of Minutes

Consideration of Approval of the Minutes of the January 17, 2009 Meeting of the House of Delegates

The following motion was made:

“BE IT RESOLVED, that the minutes of the January 17, 2009 meeting of the House of Delegates are approved.”

The motion was seconded and unanimously approved.

IX. Elections

1. Election of a member of the House of Delegates to serve on the Budget Committee for the term beginning July 1, 2009.

Ms. Foote opened the floor for nominations for a member of the Budget Committee. The following motions were made:

“BE IT RESOLVED that Daniel A. Cavell of the 17th Judicial District be elected a member of the Budget Committee.”

There being no further nominations, Ms. Foote declared the nominations closed and declared Mr. Cavell elected.

2. Election of three (3) members of the House of Delegates to the Special Advisory Committee to Authorize the President to Speak on Behalf of the Association. This committee was created by a resolution adopted by the House on November 13, 1971. The committee is composed of the president, president-elect, secretary, chair of the Public Information Committee, and three (3) members designated from the membership of the House of Delegates by the House of Delegates.

Ms. Foote then opened the floor for nomination for three members of the Special Advisory Committee to Authorize the President to Speak on Behalf of the Association. The following motions were made:

“BE IT RESOLVED that Walter I. Willard of the Parish of Orleans be elected a member of the Special Advisory Committee to Authorize the President to Speak on Behalf of the Association.”

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“BE IT RESOLVED that Dona K. Renegar of the 15th Judicial District be elected a member of the Special Advisory Committee to Authorize the President to Speak on Behalf of the Association.”

“BE IT RESOLVED that Keith M. Couture of the 22nd Judicial District be elected a member of the Special Advisory Committee to Authorize the President to Speak on Behalf of the Association.”

There being no further nominations, Ms. Foote declared the nominations closed and declared Mr. Willard, Ms. Renegar and Mr. Couture elected.

3. Election of five (5) members of the House of Delegates to serve three-year terms on the Legislation Committee. To ensure geographically diverse representation, there shall be no more than three (3) House of Delegates representatives from a judicial district at any given time. Terms commence on July 1 immediately following the election.

The following were elected by secret ballot:

Paula A. Ates – Civil Law and Litigation Section

Thomas C. Cerullo – 24th Judicial District

C. Frank Holthaus – 19th Judicial District

Robert A. Kutcher – 24th Judicial District

Jennifer M. Medley – Parish of Orleans

X. Resolutions

Section Resolution

1. Resolution from Art, Entertainment and Sports Law Section to amend and restate its Bylaws.

Burton P. Guidry introduced the resolution on behalf of the Art, Entertainment and Sports Law Section.

Ms. Foote ruled out of order Article III, Section 3 of the amended Bylaws, noting that the House of Delegates approves Articles of Section Bylaws, not the Board of Governors.

S. Guy DeLaup made the following motion:

“BE IT RESOLVED that the resolution be tabled for the specific reason of the Bar Governance studying the Section Bylaws and removing any conflicts with the Association’s Bylaws.”

The question was called and the motion was approved.

Committee Resolutions

2. Resolution from Right to Counsel Committee proposing support of reclassification of selected non-violent misdemeanor and municipal ordinances that do not impact public safety into petty offenses carrying fine-only sentences to which the right to counsel does not attach.

After brief introductory remarks, Michael J. Poirrier, Right to Counsel Committee, made the following motion:

“BE IT RESOLVED that that the resolution from the Right to Counsel Committee proposing support of reclassification of selected non-violent misdemeanor and municipal ordinances that do not impact public safety into petty offenses carrying fine-only sentences to which the right to counsel does not attach be adopted.”

Ms. Foote called upon Robert A. Kutcher, Chair of the House of Delegates Liaison Committee, to present the Board of Governor’s position in favor of this resolution.

A number of members spoke both for and against the resolution.

Ms. Foote called upon Joseph L. Shea, Jr. who moved amendment to the resolution to read: “Therefore be it resolved that the House of Delegates of the Louisiana State Bar Association and its members support a study of the reclassification of selected non-violent misdemeanor and municipal ordinances that do not impact public safety into petty offenses, carrying fine-only sentences to which the right to counsel does not attach.” This amendment was seconded and approved with some opposition.

The question was called and the motion was approved.

3. Resolution from Bar Governance Committee proposing amendments to the Articles of Incorporation to address housekeeping changes requested by Secretary of State regarding registered office and service of process.

The following motion was made by Phillip A. Wittmann:

“BE IT RESOLVED, that the resolution from the Bar Governance Committee proposing amendments to Article II, Sections 1 and 2 of the Articles of Incorporation of the Louisiana State Bar Association to address housekeeping changes requested by Secretary of State regarding registered office and service of process be adopted.”

The motion was seconded and adopted unanimously.

4. Resolution from Bar Governance Committee proposing amendments to the Articles of Incorporation and Bylaws to create a law student membership category and corresponding dues structure.

The following motion was made by Phillip A. Wittmann:

“BE IT RESOLVED, that the resolution from the Bar Governance Committee proposing amendments to the Articles of Incorporation and Bylaws to create a law student membership category and corresponding dues structure be adopted with an amendment reading: ‘Amend Article I, of the Bylaws by adding Section 6 to provide for annual dues for law student members’.”

The motion was seconded and adopted unanimously.

5. Resolution from Bar Governance Committee proposing amendments to the Bylaws regarding composition of the Legislation Committee.

The following motion was made by Phillip A. Wittmann:

“BE IT RESOLVED, that the resolution from the Bar Governance Committee proposing amendments to the Bylaws regarding composition of the Legislation Committee be adopted.”

The motion was seconded and adopted unanimously.

6. Resolution from Bar Governance Committee proposing amendment to the Articles of Incorporation regarding Board of Governors approval of the action of the House of Delegates, specifically as related to recommendations of the Legislation Committee.

The following motion was made by Phillip A. Wittmann:

“BE IT RESOLVED, that the resolution from the Bar Governance Committee proposing amendment to the Articles of Incorporation regarding Board of Governors approval of the action of the House of Delegates, specifically as related to recommendations of the Legislation Committee be adopted.”

Ms. Foote called upon Michael W. McKay, Chair of the Legislation Committee, to explain the reasons for the proposed change.

After a number of members spoke both for and against the resolution, the question was called and the motion was adopted unanimously.

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7. Resolution from Bar Governance Committee proposing amendments to the Bylaws regarding positions on pending legislation.

The following motion was made by Phillip A. Wittmann:

“BE IT RESOLVED, that the resolution from the Bar Governance Committee proposing amendments to the Bylaws regarding positions on pending legislation be adopted.”

Ms. Foote called upon Michael W. McKay, Chair of the Legislation Committee, to speak in favor of this resolution.

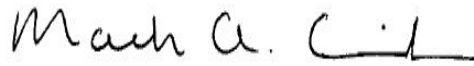
The motion was seconded and adopted unanimously.

XI. Other Business

Consideration of any other business to come before the House of Delegates.

There being no further business, the meeting was adjourned at 12:15 p.m.

Respectfully Submitted:



Mark A. Cunningham
Secretary

APPROVED BY HOUSE OF DELEGATES

January 23, 2010

New Orleans, Louisiana

RESOLUTION OF THE
ART, ENTERTAINMENT & SPORTS LAW SECTION
OF THE LOUISIANA STATE BAR ASSOCIATION

WHEREAS, the current bylaws and name of the Art, Entertainment & Sports Law Section ("Section") do not reflect the true scope of the areas of law of interest to Section's members; and

WHEREAS, the current bylaws of the Section do not reflect the true decision-making procedures that have developed, or the necessary offices/positions necessary for the Section; and

WHEREAS, the current bylaws of the Section do not generally facilitate the most efficient performance of the members and officers of the Section; and

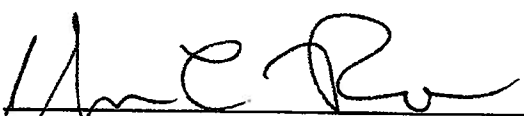
WHEREAS, the annual meeting of the Louisiana State Bar Association is set for June 12, 2009, and the Section wishes to put before the House of Delegates for the Association proposed amended and restated bylaws for the Association's approval.

NOW THEREFORE BE IT RESOLVED, that subject to the approval by the House of Delegates of the Louisiana State Bar Association, the amended and restated bylaws as proposed by the Officers and Council of the Section be and are hereby approved by the Officers and the Council of the Section, and have been submitted to the membership for approval and are hereby submitted on the attached sheets for appropriate consideration, this 5th day of May, 2009.


Respectfully submitted:



MICHÈLE LEBLANC
Chairman



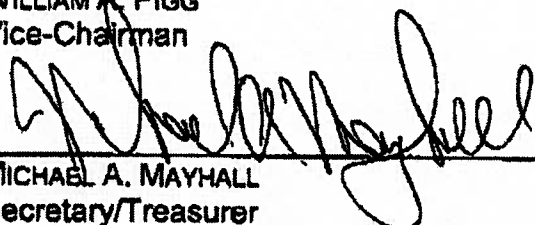
JOHN C. ROA
Governing Council



WILLIAM A. FIGG
Vice-Chairman



W. THOMAS ANGERS
Governing Council



MICHAEL A. MAYHALL
Secretary/Treasurer

**TABLED BY HOUSE OF DELEGATES
JUNE 12, 2009
DESTIN, FL**

LOUISIANA STATE BAR ASSOCIATION
AMENDED AND RESTATED BY-LAWS
OF
THE ENTERTAINMENT, COMMUNICATIONS & SPORTS LAW SECTION

ARTICLE I
NAME AND PURPOSE

Section 1. This section shall be known as the Entertainment, Communications & Sports Law Section.

Section 2. The purpose of this Section is to provide a forum for study and discussion of entertainment law, including but not limited to, film, television, radio, music, new media, digital media, video games, live and stage performances; communications law, including, but not limited to, publishing, online media, on demand printing, electronic communications, print media, book publishing and other communications forms; and sports law issues arising under the laws of the State of Louisiana, of the United States and internationally; to contribute to the continuing education of the attorneys who practice in these fields; to disseminate information regarding recent Entertainment, Communications & Sports Law litigation, opinions and decisions of the state and federal and international agencies and courts; to encourage study, publication of legal writings and make recommendations regarding such areas of interest to such attorneys within and outside the Section; to contribute to the LSBA Journal with articles and updates about these fields of law; to establish liaison with the Louisiana State Bar Association, the members of the American Bar Association, and the legal academic community to achieve these purposes; and to take such actions in respect thereto as maybe desirable and consistent with the Articles of Incorporation and By-Laws of this Association.

ARTICLE II
MEMBERSHIP AND DUES

Section 1. Any member of good standing of the Louisiana State Bar Association shall,

upon completion of an application form and timely payment of dues and any assessments thereon, be enrolled as a member of the Section.

Section 2. Dues for membership in this Section shall be \$29.50 per year, payable upon enrollment and thereafter annually on the same fiscal year basis as Louisiana State Bar Association dues. Members of the judiciary are especially encouraged to join the Section and shall not be obligated to pay dues. Students enrolled in any law school in Louisiana and graduates of any law school in Louisiana may join the Section for \$15.00 per year plus half of any assessments thereon. The Section may make a special assessment of its Members once every two years not to exceed the sum of the annual dues for the previous two years, for the purpose of supporting existing programs and operations, retiring any existing debt, and creating new or special programs or activities. The first special assessment shall be assessed to the Members no earlier than May 1, 2009.

Section 3. Any member whose annual dues or assessments shall be more than three months delinquent shall immediately cease to be a member of this Section. Only members in good standing, with dues paid, shall be eligible to vote, hold any Section office, or receive Section publications.

ARTICLE III **OFFICERS**

Section 1. The general officers of this Section shall be a Chairman; a Vice-Chairman of Film, Television and Entertainment; a Vice-Chairman of Music; a Vice-Chairman of Communications; a Vice-Chairman of Sports; a Secretary; and a Treasurer. The Executive Committee shall be comprised of the Chairman, the Secretary and the Treasurer. The Vice Chairman of each specific field of law shall have practiced in such field for at least five years prior to being elected. In the event no qualified candidates from the membership are available for the position of a Vice-Chairman of a specific field of law, then any member may be elected to serve as a Vice-Chairman without reference to that specific field for the term of the office; i.e., Vice-Chairman.

Section 2. Each officer shall hold office for a term two years, to begin with the first of the next month following adjournment of the meeting of the Section, or following the voting deadline of the members voting electronically or by mail in the event no meeting is held, at which time the member was elected, and to end at the end of the twenty-four month period after the election.

Section 3. After adoption of the Section Amended and Restated By-Laws of the Entertainment, Communications & Sports Law Section of the membership of the Association, the next election shall be held in the manner hereinafter set forth, no later than June 1 with the Officers to take office no later than July 1. Thereafter, each election shall be held no later than June 1 for the Officers to take office no later than July 1 of every other year.

Section 4. Any vacancies in any office between elections may be filled for the remainder of an unexpired Officer's term by a majority vote of the Executive Committee.

ARTICLE IV **DUTIES OF OFFICERS**

Section 1. Chairman. The Chairman, or the Secretary or the Treasurer in the absence of the Chairman, shall preside at all meeting of the Section and the Officers. On consultation with the Officers, the Chairman shall establish such committees as are deemed necessary and appoint the Chairman and members thereof, who are to hold office during the Chairman's term. The Chairman shall plan and supervise the program of the Section and the performance of all activities of the Section. The Chairman shall keep the Officers informed and carry out its decisions. The Chairman shall formulate and present a report of the work of the Section for the year and shall perform such other acts as usually accompany the office. The Chairman, together with the Treasurer and any other Officer designated by the Executive Committee, shall be a signatory on any bank accounts for the Section, as authorized by the Louisiana State Bar Association. The Chairman shall call all meetings and special meetings, including those of the Executive Committee, Officers and membership in the

Chairman's discretion or as otherwise provided in these By-Laws.

Section 2. Vice-Chairmen. The Vice-Chairmen shall assist the Chairman in performing such tasks as shall be assigned by the Chairman. The Vice-Chairmen of each particular field of law shall participate in any committee formed pertaining to, and shall be responsible for inviting speakers and providing content for Section CLE programs relating to, those fields of law. In the absence of the Chairman, or upon the death, resignation or disability of the Chairman, the remaining Officers shall select the Secretary or Treasurer by majority vote who shall perform the duties of the Chairman for the remainder of the term of office; provided that, in the case of disability, the Secretary or Treasurer shall act only during the pendency of the disability.

Section 3. Secretary. The Secretary shall be the custodian of all books, papers, documents and other property of the Section, and shall keep a true record of the minutes of the proceedings of all meetings of the Section and of the Officers, whether assembled, via conference call, or acting under submission. If so approved by the Executive Committee, the Secretary shall prepare a summary or digest of the proceedings of the Section at its annual meeting for publication in the Annual Report of the Louisiana State Bar Association. The Secretary in conjunction with the Chairman and the Treasurer as authorized by the other Officers, shall attend generally to the business of the Section.

Section 4. The Treasurer, together with the Chairman and any other Officer designed by the Executive Committee, shall be a signatory on any bank accounts for the Section, as authorized by the Louisiana State Bar Association. The Treasurer and any other Officer authorized by the Executive Committee may sign any application for and execute any insurance policy or bond as may be requested by an Officer of the Section pursuant to any resolution duly adopted for the benefit of the Section, or any event or protection of any funds of the Section. Any cost or premium for such insurance policy bond, however shall not be borne by the Officer, but shall be an expense paid from the funds of the Section. The Treasurer and/or the Chairman shall be the liaison with the Louisiana

State Bar Association for the approval of invoices and payment of debt for the Section. The Treasurer shall at meetings of the Officers and the annual meeting or such other meetings as requested by the Chairman provide the Treasurer's Report of the funds of the Section.

ARTICLE VI
ELECTION OF OFFICERS

Section 1. Fore each election every two years, the Chairman shall appoint a Nominating Committee of at least two of the Officers in addition to the Chairman. This Committee shall make and report one nomination for each office which is to be filled by election in that year, identifying each nominee and including a brief statement of the activities undertaken by the nominee, which may include those in the Section and in the legal profession in general. Upon receipt of the Committee report, the Chairman of the Section shall have it published to Section members prior to the election. Additional nominations may be made no later than ten days prior to the meeting by means of a petition signed by not less than ten members of the Section.

Section 2. Ballots in such form as determined by the Section Officers shall be sent via email, facsimile or mail, in the discretion of the Executive Committee and the available means of contact of each member of the Section. Each ballot shall contain the names of all nominees and shall be accompanied by a brief biographical statement of each nominee. Each member shall return the ballot via email, fax or mail and shall identify the member on the email, fax or outside of the return envelope to the Section Secretary. The Section Officers, in cooperation with the Chairman, shall prescribe the method and timing of mailing and return of these ballots to ensure the receipt of all valid votes by close of business on the deadline of the election, whether held at a meeting or otherwise. Election shall be by plurality of the votes cast by mail. No run-off elections will be held. Any nominees which are unopposed shall be certified as being elected by the Secretary by the deadline of the petition period.

ARTICLE VII
MEETINGS

Section 1. The annual meeting of the Section will be held during the annual meeting of the Louisiana State Bar Association, or during a Section Continuing Legal Education program, or such other time as may be determined by the Executive Committee, with such program and order of business as may be determined by the Executive Committee to be in the best interest of the Section, with such advance written notice given to the members of the Section as deemed appropriate by the Executive Committee.

Section 2. Special meetings of the Section may be called by the Chairman upon approval of a majority of the members of the Executive Committee at such time and place as the Executive Committee and Chairman may determine.

Section 3. The members of the Section present at any meeting shall constitute a quorum for the transaction of business, and the Section shall be bound by a majority vote of the members present at such meeting.

ARTICLE VIII
MISCELLANEOUS PROVISIONS

Section 1. The fiscal year of the Section shall be the same as that of the Louisiana State Bar Association.

Section 2. All bills incurred by the Section shall, before being paid, be approved by the Executive Committee, or otherwise as the Officers may direct, and checks for all disbursements shall be signed by the Treasurer, Chairman and/or such other officer as the Officers may authorize, except as to funds appropriated by the Board of Governors, which shall be disbursed only by the proper officers of the Louisiana State Bar Association on bills approved by the Officers.

Section 3. No salary or compensation shall be paid to any Officer, committee member or chair, or member, except that actual out-of-pocket expenses of the Section's Officers shall be

reimbursed if approved by the Executive Committee. Such reimbursement shall be made from the first funds available to the Section, without interest, until paid on a first expended, first paid basis.

Section 4. These By-Laws shall become effective immediately upon approval thereof, as required by the Articles and By-Laws of the Louisiana State Bar Association.

Section 5. All printing for the Section or for the Council or any committee of the Section shall be done under the supervision of the Executive Council of the Louisiana State Bar Association.

ARTICLE IX
AMENDMENTS

Section 1. These By-Laws may be amended at any meeting of the Section, or via email, facsimile or mail, in the discretion of the Executive Committee and the available means of contact of each member of the Section, by a majority vote of the members of the Section voting, provided such proposed amendment shall first have been approved by a majority of the Officers, and provided further that no amendment so adopted shall become effective until approved by the Board of Governors of the Louisiana State Bar Association.

Section 2. The Officers may propose amendments by majority vote of those present at a meeting, which shall include both a physical meeting or a conference call. Amendments may also be proposed by submission in writing to the Officers in the form of a petition signed by at least ten members of the Section in time for it to be considered by the Officers at a meeting before being voted on by the Section. The Officers shall consider the proposed amendment and shall prepare recommendations thereon. The recommendations, together with a complete and accurate text of said proposed amendment, shall be disseminated to the members of the Section by the Secretary prior to being voted on by the Section.

Approved by resolution on the _____ day of _____, 2009

**RESOLUTION PROPOSED BY THE
THE RIGHT TO COUNSEL COMMITTEE
OF THE LOUISIANA STATE BAR ASSOCIATION**

WHEREAS, an important component of the mission of the Louisiana State Bar Association is to ensure access to and aid in the administration of justice.

WHEREAS, the right to counsel is a fundamental procedural safeguard to assure a fair trial where the government and the accused stand equal before the law.

WHEREAS, the growth of misdemeanor and municipal offenses are placing a burden on lower courts, forcing state and local governments to spend tax dollars to prosecute lesser offenses, creating a financial burden on these communities.

WHEREAS, crushing municipal caseloads often make it difficult for a public defender to effectively and ethically represent her municipal and misdemeanor clients.

WHEREAS, the increase of misdemeanor and municipal arrests for jail-carrying offenses has placed a burden on local jails, overcrowding them to dangerous levels.

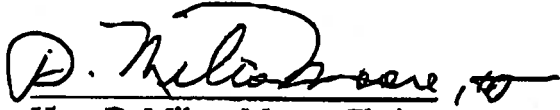
WHEREAS, no component of the criminal justice system can function effectively without reasonable resources.

WHEREAS, the reclassification of selected non-violent misdemeanor and municipal ordinances that do not impact public safety into petty offenses, carrying fine-only sentences to which the right to counsel does not attach, will:

- (1) reduce the case loads of public defenders, bringing them more in line with established national standards;
- (2) allow law enforcement to focus on more violent offenses to the person;
- (3) relieve the burden on criminal courts by diverting petty offenses out of the courtroom, resulting in fewer trials and reducing court caseloads; and
- (4) reduce the burden on jails by decreasing the number of pre-trial detainees.

NOW, THEREFORE BE IT RESOLVED, that the House of Delegates of the Louisiana State Bar Association and its members support reclassification of selected non-violent misdemeanor and municipal ordinances that do not impact public safety into petty offenses, carrying fine-only sentences to which the right to counsel does not attach.

Respectfully Submitted,
LSBA Right to Counsel Committee
May 7, 2009

A handwritten signature in black ink, appearing to read "D. Milton Moore", with a flourish extending to the right.

Hon. D. Milton Moore, Chair
Right to Counsel Committee

**APPROVED AS AMENDED
BY HOUSE OF DELEGATES
JUNE 12, 2009
DESTIN, FL**

**APPROVED AS AMENDED
BY BOARD OF GOVERNORS
JUNE 12, 2009
DESTIN, FL**

**Resolution to the Louisiana State Bar Association House of Delegates
Proposing Amendment to Articles of Incorporation
Regarding Registered Office**

Submitted by the Bar Governance Committee

WHEREAS, the Louisiana Secretary of State has requested certain “housekeeping” amendments to that section of the Louisiana State Bar Association’s Articles of Incorporation which addresses domicile, office and service of process.

NOW THEREFORE BE IT RESOLVED that the House of Delegates approve the amendments to Article II, Sections 1 and 2 of the Articles of Incorporation of the Louisiana State Bar Association as set forth in the attached Exhibit A.

Respectfully Submitted by:
Philip A. Wittmann, Chair



On Behalf of LSBA BAR GOVERNANCE COMMITTEE:

| | |
|-----------------------|--------------------------|
| Richard L. Becker | Trent A. Garrett, Sr. |
| Robert L. Bussey | Edmund J. Giering IV |
| Joseph L. Caverly | Francesca Hamilton-Acker |
| Paula Hartley Clayton | Jay M. Jalenak |
| Paul B. Deal | Monique M. Lafontaine |
| S. Guy deLaup | Charles M. Raymond |
| Val P. Exnicios | Jeffrey A. Riggs |

**APPROVED BY HOUSE OF DELEGATES
JUNE 12, 2009
DESTIN, FL**

**APPROVED BY BOARD OF GOVERNORS
JUNE 12, 2009
DESTIN, FL**

EXHIBIT A

ARTICLES OF INCORPORATION OF THE LOUISIANA STATE BAR ASSOCIATION

ARTICLE II. DOMICILE, ~~PRINCIPAL~~REGISTERED OFFICE AND SERVICE OF PROCESS

Section 1. Domicile and Principal Office: Registered Office

This Association shall be domiciled in the Parish of Orleans, State of Louisiana, and shall maintain a principal office in the City of New Orleans, at a place designated by the Board of Governors. The location and municipal address of this Association's registered office is: 601 St. Charles Avenue, New Orleans, Louisiana 70130. A change in the registered office may be authorized at any time by the Board of Governors.

Section 2. Service of Process

~~Service of process shall be made upon the President or Secretary of this Association.~~

The Association's registered agent is its Executive Director Loretta Larsen and the registered agent's municipal address is: 601 St. Charles Avenue, New Orleans, Louisiana 70130. A change in the registered agent may be made at any time in any manner permitted under the laws of Louisiana.

**Resolution to the Louisiana State Bar Association House of Delegates
Pertaining to the Creation of a Law Student Member Category**

Submitted by the Bar Governance Committee

WHEREAS, the Louisiana State Bar Association has been approached by a number of law students, sections of the LSBA, and the presidents of the student bar associations of area law schools about the creation of a law student membership category within the Louisiana State Bar Association;

WHEREAS, some LSBA sections have already revised their bylaws to allow for law student members;

WHEREAS law students are interested in increased opportunities to network with and to be mentored by lawyers and judges;

WHEREAS interaction between law students, lawyers, and judges has the potential to increase professionalism of the law students;

WHEREAS getting law students involved in bar activities earlier may increase their awareness of the LSBA and its benefits, and inspire the students to continue active involvement in bar activities once they are admitted to practice;


NOW, THEREFORE, BE IT RESOLVED that the House of Delegates approve the Articles of Incorporation and Bylaws amendments as proposed in the attached "Exhibit A" to:

- Amend Article IV of the Articles of Incorporation to add a voluntary law student membership category;
- Amend Article I, of the Bylaws by adding Section 6 to provide for annual for law student members; and
- Amend Article V, Section 1 of the Bylaws to provide for distribution of the Louisiana Bar Journal to law student members.

Respectfully Submitted by
Philip A. Wittmann, Chair

APPROVED BY HOUSE OF DELEGATES
JUNE 12, 2009
DESTIN, FL

APPROVED BY BOARD OF GOVERNORS
JUNE 12, 2009
DESTIN, FL


On Behalf of LSBA BAR GOVERNANCE COMMITTEE:
Richard L. Becker
Robert L. Bussey
Joseph L. Caverly
Paula Hartley Clayton
Paul B. Deal
S. Guy deLaup
Val P. Exnicios
Trent A. Garrett, Sr.
Edmund J. Giering IV
Franchesca Hamilton-Acker
Jay M. Jalenak
Monique M. Lafontaine
Charles M. Raymond
Jeffrey A. Riggs

ARTICLES OF THE LOUISIANA STATE BAR ASSOCIATION

ARTICLE IV. MEMBERSHIP

Section 5. Law Student Members

Any law student in good standing in a Louisiana law school belonging to the Association of American Law Schools may voluntarily pay the prescribed dues and thereby become entitled to exercise all the rights of membership in this Association, except the right to practice law and to hold office.

BYLAWS OF THE LOUISIANA STATE BAR ASSOCIATION

ARTICLE I. REGISTRATION AND DUES

Section 6. Law Student Dues

The annual membership dues for law students shall be Forty and No/100 Dollars (\$40.00). Such dues may be paid at any time during the year and shall entitle the student to law student membership from the date of payment through the June 30 which immediately follows payment. There shall be no proration of dues.

ARTICLE V. OFFICIAL PUBLICATION

Section 1. Louisiana Bar Journal as Official Publication

The official publication of the Louisiana State Bar Association shall be the Louisiana Bar Journal which shall be published under the direction of the Board of Governors pursuant to recommendations of the Louisiana Bar Journal Editorial Board. It shall carry all official notices which are not required to be forwarded sooner to members of the Association. The Secretary shall serve as editor of the Louisiana Bar Journal.

The Journal shall be distributed to all active and faculty, and law student members of the Association. The members' subscription fees shall be included in the annual membership dues.

**Resolution to the Louisiana State Bar Association House of Delegates
Regarding Composition of the Legislation Committee**

Submitted by the Bar Governance Committee

WHEREAS, the House of Delegates in January 2008 approved a resolution which increased the size of the Legislation Committee and provided for the committee to be comprised of both members elected by and from the House of Delegates and members appointed by the President; and

WHEREAS, after operating under the new committee composition for the past year, it has become evident that some changes are necessary to comply with the spirit and intent of the original resolution; and

WHEREAS, the January 2008 resolution included transition language which provided for the appointment of individuals for terms ranging from one to three years, which transition language must now be deleted; and

WHEREAS, the Bar Governance Committee also recognized the need for some "housekeeping" language where Section 1 of the Bylaws references another Section of the Bylaws.

NOW THEREFORE BE IT RESOLVED that Article IX, Section 5 of the Bylaws of the Louisiana State Bar Association be amended as set forth in the attached Exhibit A.

Respectfully Submitted by:
Philip A. Wittmann, Chair



On Behalf of LSBA BAR GOVERNANCE

COMMITTEE:

Richard L. Becker
Robert L. Bussey
Joseph L. Caverly
Paula Hartley Clayton
Paul B. Deal
S. Guy deLaup
Val P. Exnicios

Trent A. Garrett, Sr.
Edmund J. Giering IV
Franchesca Hamilton-Acker
Jay M. Jalenak
Monique M. Lafontaine
Charles M. Raymond
Jeffrey A. Riggs

**APPROVED BY HOUSE OF DELEGATES
JUNE 12, 2009
DESTIN, FL**

**APPROVED BY BOARD OF GOVERNORS
JUNE 12, 2009
DESTIN, FL**

EXHIBIT A

BYLAWS OF THE LOUISIANA STATE BAR ASSOCIATION

ARTICLE IX. STANDING COMMITTEES

(5) *Legislation* - Consisting of twenty-five (25) members in good standing of this Association: fifteen elected by and from the House of Delegates and nine (9 10) members ~~plus the chair~~ appointed by the President. All members except the chair shall serve three-year terms and terms shall be staggered to ensure experience and continuity. ~~No member shall serve more than two consecutive terms. The President shall appoint a chair from the membership of the committee. This appointment is for shall serve a one-year term, and shall be eligible to serve no more than two consecutive terms.~~

~~The committee members appointed by the Each President shall appoint include threeone (31) members from Nominating Committee District 1, threeone (31) members from Nominating Committee District 2, and threeone (31) members from Nominating Committee District 3, and one (1) member from the state at-large.~~

The House of Delegates shall elect its committee members at its June meeting for terms that commence on July 1 immediately following the election. To ensure geographically diverse representation, there shall be no more than three (3) House of Delegates representatives from a judicial district at any given time.

- (a) The Legislation Committee shall have the following functions:
1. **Inform** - To inform the membership of legislation or proposed legislation of interest to the legal profession.
 2. **Assist** - To assist the state legislature by providing information on substantive and procedural developments in the law, disseminating information to the membership, identifying resources available to the legislature, and providing other appropriate non-partisan assistance.
 3. **Advocate** - To advocate for the legal profession and the public on issues affecting the profession, the administration of justice and the delivery of legal services in accordance with the policies and procedures set forth in Article ~~IX~~ X of these Bylaws.

**Resolution to the Louisiana State Bar Association House of Delegates
Regarding Adoption of Legislative Positions**

Submitted by the Bar Governance Committee

WHEREAS, the House of Delegates in January 2008 approved a resolution which changed and expanded the composition of the Legislation Committee; and

WHEREAS, the House of Delegates through that resolution also delegated to the Board of Governors the authority to take positions on specific bills pending before the Louisiana Legislature, provided those positions are consistent with policies established by the House and consistent with the stated mission and purposes of the Louisiana State Bar Association; and

WHEREAS, after working under the newly established provisions for the past year it has become apparent that some language in that portion of the Bylaws dealing with adoption of legislative positions should be amended to ensure that all potential positions of the Association are properly and thoroughly considered.

NOW THEREFORE BE IT RESOLVED that Article X, Sections 2e and 2f of the Bylaws of the Louisiana State Bar Association be amended to provide for more definitive language regarding the adoption of legislative positions, as set forth in the attached Exhibit A.

Respectfully Submitted by:
Philip A. Wittmann, Chair



On Behalf of LSBA BAR GOVERNANCE COMMITTEE:

| | |
|-----------------------|---------------------------|
| Richard L. Becker | Trent A. Garrett, Sr. |
| Robert L. Bussey | Edmund J. Giering IV |
| Joseph L. Caverly | Franchesca Hamilton-Acker |
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**APPROVED BY HOUSE OF DELEGATES
JUNE 12, 2009
DESTIN, FL**

**APPROVED BY BOARD OF GOVERNORS
JUNE 12, 2009
DESTIN, FL**

EXHIBIT A

BYLAWS OF THE LOUISIANA STATE BAR ASSOCIATION

ARTICLE X. LEGISLATIVE POLICIES

2. Adoption of Legislative Positions

Recommendations from the Legislation Committee concerning consideration or adoption of a position on pending or proposed legislation shall be presented to the Board of Governors in accordance with the following procedures:

- a. A majority of the Legislation Committee in attendance at the meeting(s) called for that purpose must approve any recommendation(s) to the Board of Governors.
- b. Recommendations from the Legislation Committee shall be accompanied by an explanation of the proposed position(s) and the reasons for adoption.
- c. In the event that the Legislation Committee has recommendations for consideration by the Board of Governors, the Board of Governors shall meet electronically, via conference call or in person as called by the President.
- d. Recommendations from the Legislation Committee shall be submitted to the Board of Governors prior to deliberation.
- e. ~~Any action other than as recommended~~A recommendation of a position on pending or proposed legislation that is presented by the Legislation Committee ~~shall require approval of seventy~~shall be the position of the Association on that legislation, unless the recommendation is disapproved by a vote of at least seventy-five percent (75%) of the participating Board's members present and voting at a meeting at which the recommendation is considered. If the Legislation Committee's recommendation on legislation is disapproved by the requisite vote of the Board, the Association shall not take a position on that legislation, absent reconsideration by the Board or a further recommendation on that legislation by the Legislation Committee that is not disapproved by the Board of Governors in the manner provided in this Section.
- f. In the event a member of the Board of Governors desires Board consideration of a bill not presented to the Board by the Legislation Committee, the Board must first approve such consideration by a seventy-five percent (75%) vote of the ~~participating~~present and voting Board's members. Action on the bill is subject to the same seventy-five percent (75%) vote of the ~~participating~~present and voting Board's members present and voting as bills presented by the Legislation Committee.

**Resolution to the Louisiana State Bar Association House of Delegates
Regarding Board Consideration of House of Delegates Action
As Related to Legislative Positions**

Submitted by the Bar Governance Committee

WHEREAS, the House of Delegates in January 2008 approved a resolution which delegated to the Board of Governors the authority to take positions on specific bills pending before the Louisiana Legislature, provided those positions are consistent with policies established by the House and consistent with the stated mission and purposes of the Louisiana State Bar Association; and

WHEREAS, that resolution failed to address the provision of the Articles of Incorporation which requires that the Board of Governors either approve the action of the House of Delegates or submit such action to the membership of the Louisiana State Bar Association for consideration; and

WHEREAS, in making recommendations to the Board of Governors regarding pending legislation, the Legislation Committee is acting upon authority granted to it by the House of Delegates; and

WHEREAS, the Bylaws of the Louisiana State Bar Association allow the Board of Governors to disapprove recommendations of the Legislation Committee, thus creating a potential inconsistency between the Articles of Incorporation and the Bylaws; and

WHEREAS, due to the time sensitive nature of legislative positions it is not feasible to present such issues to the entire membership for consideration; and

WHEREAS, other restrictions on the Board of Governors with regard to legislative positions create sufficient safeguards to ensure that positions of the Association are properly vetted by both the Legislation Committee and the Board.

NOW THEREFORE BE IT RESOLVED that the House of Delegates approve the amendments to Article VIII, Section 8 of the Articles of Incorporation of the Louisiana State Bar Association as set forth in the attached Exhibit A.

Respectfully Submitted by:
Philip A. Wittmann, Chair



On Behalf of LSBA BAR GOVERNANCE COMMITTEE:

APPROVED BY HOUSE OF DELEGATES
JUNE 12, 2009
DESTIN, FL

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JUNE 12, 2009
DESTIN, FL

**ARTICLES OF INCORPORATION
LOUISIANA STATE BAR ASSOCIATION**

ARTICLE VIII. HOUSE OF DELEGATES

Section 8. Resolutions

Each resolution which shall have been adopted by the House of Delegates shall be presented to the Board of Governors. If the Board of Governors shall approve such resolution, it shall adopt it; if the Board of Governors shall disapprove such resolution, it shall, within ten days therefrom, submit the same by secret ballot for adoption or rejection by a majority vote, to the voting members of this Association who actually vote; all such ballots shall be returned within ten days from the time they are sent. The Board of Governors shall meet ten calendar days after any resolution shall have been presented to it within which to approve or disapprove it; any resolution approved or not disapproved within said period shall be the action of the Association notwithstanding the term of the House of Delegates has expired. The date and hour when the resolution is delivered to the Board of Governors shall be endorsed thereon. The provisions of this Section shall not apply with respect to any recommendation of a position on pending or proposed legislation that is presented by the Legislation Committee of the House of Delegates to the Board of Governors and, by way of illustration and not limitation, the Board of Governors is not required to submit to the members of this Association any such recommendation that is disapproved by the requisite vote of the Board of Governors.